

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALEMAYEHU JIMMA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. C19-1839-MLP

ORDER

**I. INTRODUCTION**

This matter is before the Court on Plaintiff's motion to vacate the Judgment dismissing this matter with prejudice. (Dkt. # 22.) The basis of Plaintiff's motion is that he allegedly did not receive notification of the Court's ruling and was unable to previously respond. (*Id.*) For the reasons discussed below, Plaintiff's motion is DENIED.

**II. BACKGROUND**

Plaintiff, proceeding *pro se*, filed a complaint in this matter in November 2019. (Dkt. ## 1, 9.) Plaintiff alleges (1) he was approved for Supplemental Security Income ("SSI") benefits but the benefits were not paid for over one year; (2) his "back-pay" was not the correct amount as more than half was not paid to him; and (3) his monthly benefits are not in the correct amount.

1 (*Id.* at 2.) In February 2020, Plaintiff filed an amended complaint alleging money is being  
2 improperly deducted from his monthly benefits.<sup>1</sup> (Dkt. # 15 at 2.)

3 The Commissioner filed a motion to dismiss for lack of subject matter jurisdiction  
4 alleging Plaintiff did not exhaust his administrative remedies. (Dkt. # 18.) In support of the  
5 motion to dismiss, the Commissioner submitted a declaration stating that as of February 4, 2020,  
6 the Appeals Review Processing System (“ARPS”) maintained by the Office of Appellate  
7 Operations, which reviews claims when a claimant is dissatisfied with the decision of an  
8 Administrative Law Judge (“ALJ”) in a Social Security Benefits application, shows no indication  
9 of an ALJ decision, an ALJ dismissal, or request for review before the Appeals Council relating  
10 to Plaintiff under Title II or XVI of the Social Security Act. (Christianne Voegelé Decl. (Dkt. #  
11 19) at 1-2.) Plaintiff did not respond to the Commissioner’s motion.

### 12 III. DISCUSSION

13 In the Court’s Order dismissing this matter (dkt. # 20), the Court considered jurisdiction  
14 to review a decision of the Commissioner of Social Security. In doing so, the Court recognized  
15 federal courts have only statutory jurisdiction to review a final decision. (*Id.* (citing 42 U.S.C. §  
16 405(g)).) For a claimant to obtain a judicially reviewable final decision, he or she must complete  
17 all the required steps pursuant to 20 C.F.R. §§ 404.907, 404.929, 404.967, including asking for  
18 reconsideration of an initial determination, requesting a hearing, and requesting review by the  
19 Appeals Council. The Commissioner presented evidence that Plaintiff failed to complete these  
20 required steps, namely the Voegelé declaration. The Court therefore dismissed Plaintiff’s action.

21 Plaintiff now appears to assert he did not receive the Court’s ruling in this matter and was  
22 unable to respond. (Dkt. # 22.) Construing Plaintiff’s motion broadly, his assertion that he was

---

23 <sup>1</sup> Plaintiff’s “amended complaint” appears to be missing the last page and therefore lacks a signed and dated certification that the complaint meets the requirements of Federal Rule of Civil Procedure 11.

1 unable to respond could encompass the Commissioner's motion to dismiss. A review of the  
2 docket shows the Clerk's office mailed a copy of the Court's Order and Judgment to the address  
3 on record for Plaintiff. (Dkt. ## 20, 21.) Similarly, the Commissioner's motion to dismiss  
4 includes a certification of service to Plaintiff's address on record, dated March 4, 2020. (Dkt. #  
5 18 at 4.) It is Plaintiff's responsibility to keep the Court and opposing parties advised as to his  
6 current address. Here, the mail sent to Plaintiff was not returned as undeliverable and Plaintiff  
7 has not notified the Court that he changed his address. Plaintiff has not presented a reason as to  
8 why he was unable to receive mail at his designated address in this matter.

9 Further, vacating the Order and Judgment in this matter and allowing Plaintiff to respond  
10 would be futile. The Commissioner has presented evidence that there is no ALJ decision, ALJ  
11 dismissal, or request for review before the Appeals Council relating to Plaintiff under Title II or  
12 XVI of the Social Security Act. Therefore, there is no final decision and the Court lacks subject  
13 matter jurisdiction to review this matter. Plaintiff's complaint concerns the timeliness and  
14 amount of his benefit payments, not any dissatisfaction with an ALJ decision. Specifically,  
15 Plaintiff alleges his SSI benefits were untimely paid, the amount of his "back-pay" was  
16 incorrectly calculated, his monthly benefit payments are incorrectly calculated, and money is  
17 being improperly deducted from his benefits. In light of the evidence before the Court and the  
18 allegations in Plaintiff's complaint, vacating this matter and allowing Plaintiff to present a  
19 response to either the Commissioner's motion to dismiss or the Court's Order and Judgment  
20 would not cure the lack of subject matter jurisdiction. Accordingly, the Court declines to vacate  
21 the Order and Judgment.

